

Message Text

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ORIGIN EA-14

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P 23:220Z JUL 74

FM SECSTATE WASHDC

TO AMEMBASSY TAIPEI PRIORITY

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E.O.11652:N/A

TAGS: CASC, TW

SUBJECT:POPPY SEED CASE

REFS: (A) STATE 151495, (B) TAIPEI 4590

1. AS RESULT OF UNHAPPY NEWS REPORTED REF B, WE ARE TAKING
FOLLOWING STEPS OUTLINED IN PARA 4 OF REF A:

(A) THERE FOLLOWS TEXT OF STATEMENT WHICH, IF TRANSCRIBED
ON EMBASSY LETTERHEAD, WE BELIEVE WILL BE HELPFUL TO SHEN:
THE DEPARTMENT HAS RECEIVED AN OPINION OF CHIEF COUNSEL
DONALD E. MILLER OF THE DRUG ENFORCEMENT ADMINISTRATION,
U.S. DEPARTMENT OF JUSTICE, THAT OPIUM POPPY SEEDS, AS A
COMMONLY USED FOOD IN THE UNITED STATES, ARE NOT CONTROLLED
UNDER THE CONTROLLED SUBSTANCES ACT OF 1970, AND THAT IT
IS NOT A VIOLATION OF UNITED STATES LAWS OR REGULATIONS
FOR ANY PERSON TO IMPORT, EXPORT OR IN ANY OTHER MANNER
TRANSPORT, POSSESS OR SELL OPIUM POPPY SEEDS. NO PERMITS
OR AUTHORIZATIONS ARE REQUIRED FOR ANY PERSON TO LEAVE THE
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UNITED STATES WITH, OR OTHERWISE BE CAUSED TO BE EXPORTED FROM THE UNITED STATES, OPIUM POPPY SEEDS. MOREOVER, HIS EXAMINATION OF THE SINGLE CONVENTION ON NARCOTIC DRUGS, 1961, FAILS TO DISCLOSE ANY OBLIGATIONS ON ANY PARTIES TO IMPOSE CONTROLS ON OPIUM POPPY SEEDS. BASED ON THE CHIEF

COUNSEL'S EXPERIENCE, IT IS HIS OPINION THAT CONSENSUS OF BELIEF BY VARIOUS DRUG CONTROL OFFICIALS THROUGHOUT THE WORLD IS THAT OPIUM POPPY SEEDS ARE NOT UNIVERSALLY CONTROLLED.

(B) WE ARE TAKING STEPS TO OBTAIN RELEASE OF DRUG ENFORCEMENT ADMINISTRATION (DEA) INVESTIGATION RESULTS. WE HOPE TO CABLE IT TO YOU JULY 24.

(C) GERMINATION TESTS AND NARCOTIC CONTENT TESTS MENTIONED IN SUBPARAS (C) AND (D) OF REF A HAVE NOW BEEN COMPLETED AND RESULTS--INDICATING 9.6 PROBABILITY OF GERMINATION AND MINIMAL NARCOTIC CONTENT OF GERMINATED PLANT--CERTIFIED BY GROC CONSULATE IN NEW YORK HAVE BEEN SENT DIRECTLY TO SHEN BY FRIED'S NEW YORK ATTORNEY, MR. JAMES GOODRIEND.

2. PLEASE INFORM US OF ANY FURTHER INFORMATION YOU BELIEVE WOULD PROVE HELPFUL IN THIS CASE. SENATOR JAVITS, ALONG WITH CONGRESSMAN WOLFE, HAS EXPRESSED IN CASE. KISSINGER

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*** Current Handling Restrictions *** n/a

*** Current Classification *** LIMITED OFFICIAL USE

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